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THE OFFICIAL OPPOSITION IN THE ALBERTA LEGISLATURE: A STUDY IN THEORY AND PRACTICE

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The role played by the Official Opposition in the Alberta Legislature is one that is often overlooked, and to the extent that it is noticed, misunderstood. This is perhaps not surprising in a province that does not have a history of large, active opposition caucuses that can successfully challenge the government, change the outcome of votes, or cause the government to fall through a vote of non-confidence. Instead we have a history of small opposition caucuses that struggle along with few members, small staffs, and few resources.

Despite this, however, it is my contention that the opposition parties in Alberta, and in particular the current Official Opposition, composed of Grant Notley (MLA, Spirit River-Fairview) and Ray Martin (MLA, Edmonton Norwood) of the New Democratic Party, can and do play a significant role in the legislative process. This role may not be as significant as that played by larger opposition caucuses in other jurisdictions, particularily in cases of minority governments. It is, however, worthy of study.

In order to put a proper perspective on the theoretical role of the Opposition in a parliamentary system, it is necessary to examine the historic evolution of institutional opposition to government.

Perhaps the first manifestation of institutional, legitimized opposition can be found in the era of the Roman Senate. The Romans had established tribunes that had the power, through a unanimous vote, to veto measures approved by the Senate. As Ionescu and de Madariaga point out in their book Oppositions, "The Romans thus distinguished between the imperium, or the power of decision-making, and the potestas, or the power to oppose decisions."[1]

In the development of the British Parliamentary system, Thomas Hockin sees institutionalized Opposition as having evolved through three major paradigms, or eras. In the first era, in the time of Elizabeth I and James I, Hockin refers to the "Old Tory Model" of Opposition. Certain "Great Matters of State", such as the royal succession, the church and foreign policy, were simply beyond Parliament's jurisdiction.[2] Members were permitted to bring local concerns, petitions and bills before Parliament, and were entitled to oppose those same kinds of purely

local concerns, as long as these concerns did not in any way impinge on the "Great Matters of State". Members acted purely as delegates for their constituencies. To be aligned with any form of a political party was considered neither legitimate nor respectable.

In this context, Parliamentary opposition was restricted to an ad hoc approach to purely local concerns. Members were free to support or oppose the concerns of any other member of the Parliament. Systemic opposition to a government did not exist.

The second great era in the evolution of Parliamentary oppostitions, as Hockin defines it, arose during the eighteenth century, under what Hockin refers to as the "Balanced Constitution".[3] Parliament had gained the right to debate and legislate on all matters of state. There were still no organized parties, and as such there was no organized, systemic Opposition from within the House of Commons. The principle check on the activities of the government came from the House of Lords and the Crown, both of which retained great power to alter or veto the activities of the House of Commons. It was in fact these bodies that scrutinized and checked the measures of the House of Commons.

It was with the decline in influence of the Crown and House of Lords in the nineteenth century, and the contemporaneous phenomenon of organized political parties in the House of Commons that the current concept of an Official Opposition within the House of Commons began to take shape.[4] The idea that a faction within the House could systematically oppose both the measures of the government, and the government itself without being seen as disloyal to the state became legitimate.

With the decline of the power of the House of Lords and the Crown, the opposition factions within the House of Commons emerged as the only effective institutional check on the integrity, honesty, frugality and good administration of the government. Perhaps most significantly, the government could now be defeated in the House of Commons, and be replaced by another faction from within the House. As a result, both the Government and the Opposition became much more attuned to the

wishes of the electorate, and sessions of Parliament in some ways came to resemble continuous election campaigns.

Opposition had come to play two major roles in Parliament -- to criticize the deficiencies of the government party, and to seek to replace it.

Much has been said about the legitimate role played by an Official Opposition in a Parliamentary system. John Stuart Mill, in On Liberty, said "Both teachers and learners go to sleep at their post, as soon as there is no enemy in the field".[5] Lester Pearson, in a more Canadian context, argued that the first duty of an Opposition is "to oppose, to criticize, to try to change. It customarily "views with alarm" ih order to protect the people from the complacency and over-confidence that comes from a government that is continuously and exuberantly "pointing with pride.""[6] Stanley Knowles, in a 1957 speech, claimed that "Experience has shown that the best way to get this kind of examination and attention is by criticism, answer and counter-criticism, by defence, attack and counter-attack, by the cut and thrust of free debate between those who support and those who oppose the government of the day."[7]

In terms of understanding in more detail the functionings of a modern Opposition, and of understanding the activities of the current Official Opposition in the Alberta Legislature, it is useful to look to the three major functions of an Opposition, as outlined by Stanley Knowles in that same 1957 speech:

1) to check the integrity of the government;

2) to prod the government of the day to take action or not take action on certain issues; and

3) to work to replace the government.[8]

To this list, Thomas Hockin, in an article entitled "Adversary Politics and Some Functions of the Canadian House of Commons", adds two additional functions:

1) to probe for information from the government; and

2) to re-interpret the performance of the government in a way that differs from the interpretation of the government.[9]

Thus we have a list of five functions that should be performed by an Official Opposition in a parliamentary system:

1) to check;

2) to prod;

3) to probe;

4) to re-interpret; and

5) to replace.

In discussing the current Official Opposition in Alberta, it is useful to discuss the ways in which it attempts to perform these five functions, and the success it enjoys in performing them.

The first of the five functions of an Official Opposition to be examined is that of checking the integrity and performance of the government. This involves the critical evaluation of government policies and programs, and ensuring that the government abides by the program objectives that it has established for itself. In this context, the 1983 fall session of the Alberta Legislature saw the Official Opposition focus on perceived waste and extravagance by the government in a time of fiscal restraint. Issues such as the purchase of expensive white sand for the Kananaskis Country golf course, first-class air travel by government members and employees, and a program of construction and up-grading of rural airports, were all raised in the Legislature by the Official Opposition. An effort was made to suggest that the performance of the government was not consistent with the government's expressed policy of fiscal restraint. Suggestions were advanced by the members of the Official Opposition as to ways that they felt the government could acheive the objectives of its fiscal restraint policy.

Another aspect of this "checking" function is an attempt to evaluate the competency and performance of government ministers. Ministers of the Crown have been invested with enormous responsibilities for which they are responsible to the Cabinet and to the Legislature. The role of the Opposition in this context is to question and criticize ministers as to the performance of their duties. In the 1983 fall session of the Legislature, the Official Opposition seized on a statement in the report of the Cavanagh Board of Review that the previous Minister of Social Services and Community Health had withheld a submission prepared by Departmental employees from the Board of Review. In the interpretation of the mandate of the Board of Review by the Official Opposition, this was an improper use of the Minister's authority. Much time was spent questioning the current Minister and the Premier as to the propriety of this action

The second of the five functions of an Official Opposition is that of prodding the government to act. In this context, it is the role of the Official Opposition, through the proposal of constructive alternatives, and through trying to embarrass the government into action, to convince the government to undertake a particular policy initiative. This function is most often performed through the asking of questions in Oral Question Period, and through the introduction of private member's Bills and Motions. In the fall of 1983, the Official Opposition introduced a series of Bills, such as a Children's Bill of Rights, and an Environmental Assessment Act, designed to focus the attention of the Legislature on the issues addressed in these Bills, with the hope that the government might consent to their adoption. Numerous issues were raised in Question Period, with the hope that once these issues had become public, the government would feel compelled to address them.

The success enjoyed by the Official Opposition in convincing the government to act in these ways is something that is very difficult to evaluate. There is often a confluence of Opposition attention and government action on particular issues, but whether the government would have acted in the absence of the interest of the Opposition is usually a matter of strict speculation for observers. For example, in the spring of 1983, the Official Opposition asked a series of questions regarding the possibility of funding of renovations for a particular building of the campus of the University of Alberta. The responsible Minister gave a non-committal answer when the issue was first raised, but announced within two weeks that the funding for this project had been approved. There is no way of knowing if the funding announcement was in any way related to the questioning of the Opposition. A similar pattern can be observed in relation to a series of questions asked about a highway overpass constructed in southern Alberta, where the approach roads had not been completed, and the overpass was not being used. The Minister responsible informed the Assembly that it was a deliberate decision of the government not to complete the project at that time. Within a matter of weeks, the overpass had been opened to traffic. Again, it is pure conjecture on the part of an observer as to whether the questions asked in the Legislature bore any relation to the decision of the government to

put the overpass into operation.

One other aspect of this "prodding" function as practiced by the current Official Opposition in Alberta is that of undertaking independent studies to gather public input on particular issues and policies. In December of 1983, the Official Opposition created a Task Force on Health Care and Social Services that toured the province receiving public submissions on the range of issues that fell within its mandate. The report of this Task Force is intended to constitute the basic policy document of the Official Opposition on these issues, and to provide it with a series of constructive policy alternatives to those of the government. In this way, the Official Opposition will be able to move beyond negative criticism of government policy and action into offering proposals and solutions of its own. Whether the government will be interested in any of these proposals remains to be seen.

The third function of an Official Opposition to be examined is that of probing for information. The nature of government decision-making, in this province and elsewhere, is such that the government caucus and Cabinet make decisions and formulate policies "in camera", and that the end product of that process -- the Bill, Motion, Order-in-Council, etc.-- is then made public. The background studies and information used to arrive at that decision are not often readily available. Effective evaluation and criticism of these decisions is more difficult in the absence of this information.

The fall of 1983 saw a stream of requests from the Official Opposition, primarily in the form of Written Questions and Motions for Return, for this kind of information. Their success in convincing the government to be forthcoming with the information requested was very varied. The government was, for example, forthcoming in response to a request for information on the numbers of people in the province in arrears in their health care premiums. On the other hand, the government refused to supply copies of background documents on overexpenditures on the Olympic Saddledome project in Calgary, or copies of a report on the foster care system in Alberta prepared for the Department of Social Services and Community Health. These are only a few examples, as many of these requests were made, and dealt with in one manner or another.

The fourth function of an Official Opposition is that of re-interpreting government action. Quite naturally, a government will at all times portray its actions as being in the best interests of the society. The role of an Opposition is to critically evaluate the policies of a government, and to question whether society's best interests are in fact being served. Both by the nature of being in opposition, and because of the ideological differences that commonly exist between the parties in Government and in Opposition, it is usual that the Opposition will re-interpret government actions in an attempt to demonstrate to the electorate that the government is not in fact serving their best interests.

This was certainly the case in Alberta in the fall of 1983. The Official Opposition, together with the Independent Opposition, made a judgement that four bills then before the legislature (the Electoral Boundaries Commission Amendment Act, the Hospitals and Medical Care Statutes Amendment Act, the Alberta Income Tax Amendment Act(No. 2), and the Labour Relations Amendment Act) so violated the best interests of Albertans that they were going to use every procedural device at their disposal to delay or block passage of these bills. The bills were all eventually adopted, but not before the Opposition had made it clear to the Legislative Assembly and to the press that they were adamantly opposed in principle to these bills. At every opportunity, the Opposition interpreted government intentions and actions in such a way as to attempt to demonstrate to Albertans that the government was not serving their interests.

In performing this particular function, the Opposition uses both the Legislature and the press as a means of communicating with the public. It is rare in a parliamentary system that the Government will come to agree with the interpretation that the Opposition puts on its actions. The real purpose of this kind of Opposition criticism is to convince the public of the validity of the Opposition's interpretation. As a result, the Opposition performs this role as much through public speeches and press conferences as through debate in the Legislative Assembly.

The final function performed by the Official Opposition is that of providing the electorate with a viable alternative to the Government. In an adversarial system such as exists in this province, an underlying

assumption is that governing parties function best when they perceive that they could be replaced quickly, were they to lose the confidence of the electorate. The role of the Opposition, then, is to provide an alternative to which the electorate could turn in such a situation, and to be ready to assume the burden of governing. Thus it can be said that one of the roles of the Official Opposition is to work to replace the Government.

This function of the Opposition differs from the four previously discussed in two important respects. First, it is in some senses the culmination of the previous four, in that the others are all aimed at improving the workings of government in an immediate sense. Whether an Opposition is checking the integrity of the Government, prodding the Government to take some action, probing for information, or looking for the "real" effects of government action, it can be said that the Opposition is not so much working to replace the governing party as it is working to improve the kind of government the electorate is receiving. However, it can also be seen that the successful performance of these functions by an Opposition will sufficiently discredit the Government as to make the replacement of that Government a real possibility.

The second point to be made is that this is a much longer-term goal than the previous four. Even an Opposition that is desperate to replace a bad Government has to recognize that pending an election, much work remains to be done in terms of alleviating the worst features of such a Government through a vigorous pursuit of the other four roles. There is a tendency on the part of both political parties and the electorate to view the replacement of the Government as the first priority of the Opposition. This may be true in the long-term, but it is a dangerous tendency to the extent that it results in the denigration of the importance of shorter-term concerns.

A quick perusal of the balance of parties in the Alberta Legislature could lead one to the conclusion that the active pursuit of this function would be a waste of time and energy. That an Official Opposition consisting of two members could seriously consider that one of its functions is to bring down a Government of seventy-five members would seem to some to be fantastic in the extreme. However, the Official Opposition does not seem to share this view. It is usually in a moment of some levity that members of the Official Opposition will publicly refer to themselves as the

"government-in-waiting". Yet much of the activity of the Official Opposition is aimed at convincing the Alberta electorate that it in fact would be a preferable alternative to the existing Government. It would be fair to say that few seriously expect that this will happen at the next election. However, it would also be fair to say that in the longer term, the Official Opposition takes very seriously this aspect of their functions.

There is no question that, given the relative numbers of Government and Opposition members in the Alberta Legislature, the task facing each of the members of the Official Opposition is greatly magnified. Yet, it can also be seen that the Opposition makes a credible attempt at performing each of the five functions enumerated here. How successful it is in performing each of these functions is, however, a difficult judgement to make. As was discussed previously, it is rare that a Government will give credit to an Opposition for influencing the policies or practices of that Government. Thus, when a Government adopts policies advocated by the Opposition, it is difficult for the Opposition to judge if it was their influence that swayed the decision, or if other factors were more important. Pending the judgement of the electorate at the next election, the most that can be said with any certainty is that the current Official Opposition in Alberta, despite its size, performs credibly each of the functions traditionally seen as the duty of the Official Opposition in a Parliamentary system.

FOOTNOTES

[1]Ionescu, Ghita and de Madariaga, Isabel, Oppositions: Past and Present of a Political Institution (London, C.A. Watts and Co., 1969), p. 14

[2]Hockin, Thomas, "The Roles of the Loyal Opposition in Britain's House of Commons: Three Historical Paradigms", in Parliamentary Affairs, vol. 25, no. 1, p.52

[3]Ibid, p. 57

[4]Ibid, p. 63

[5]Mill, John Stuart, On Liberty (London: Everyman Press, 1910), p. 102

[6]"Politics, Opposition, and the Plight of Democracy", a speech delivered by Lester B. Pearson on April 22, 1960, in Words and Occasions, ed. by Lester B. Pearson (Toronto: University of Toronto Press, 1970), p. 172

[7]Knowles, Stanley, The Role of Opposition in Parliament (Toronto: Ontario Woodsworth Memorial Foundation, 1957), p. 4

[8]Ibid, pp. 8-11

[9]Hockin, Thomas, "Adversary Politics and Some Functions of the Canadian House of Commons", in The Canadian Political Process, ed. Orest M. Kruhlak, et al (Toronto: Holt, Rinehart and Winston, 1977), p. 315